



City and County of San Francisco
Meeting Minutes
Land Use and Transportation Committee

City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

Members: Malia Cohen, Scott Wiener, Aaron Peskin

Clerk: Alisa Somera (415) 554-4447

Monday, February 8, 2016

1:30 PM

City Hall, Legislative Chamber, Room 250

Regular Meeting

Present: 3 - Malia Cohen, Scott Wiener, and Aaron Peskin

The Land Use and Transportation Committee met in regular session on Monday, February 8, 2016, with Chair Malia Cohen presiding.

ROLL CALL AND ANNOUNCEMENTS

Chair Cohen called the meeting to order at 1:36 p.m. On the call of the roll, Chair Cohen, Vice Chair Wiener, and Member Peskin were noted present. There was a quorum.

Upon convening, Supervisor John Avalos was also noted present.

AGENDA CHANGES

There were no agenda changes.

REGULAR AGENDA

151257 [Planning Code - Increasing Transportation Sustainability Fee for Non-residential Projects]**Sponsor: Avalos**

Ordinance amending the Planning Code to increase the Transportation Sustainability Fee for Non-residential projects larger than 99,999 gross square feet, and to require Non-residential or Production, Distribution and Repair (PDR) projects that filed development or environmental applications on or before July 21, 2015, but that have not yet received approvals, to pay the Transportation Sustainability Fee with a partial refund; affirming the Planning Department's determination under the California Environmental Quality Act; and making findings, including general findings, findings of public necessity, convenience and welfare, and findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1.

12/08/15; DUPLICATED. Duplicated from File No. 151121.

12/08/15; AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE. Duplicated from File No. 151121.

12/08/15; RE-REFERRED AS AMENDED to Land Use and Transportation Committee.

12/28/15; REFERRED TO DEPARTMENT. Referred to the Planning Department for environmental review; Planning Commission for possible public hearing and recommendation (per Planning Code, Section 302(b)); and Municipal Transportation Agency, County Transportation Authority, Office of Economic and Workforce Development, and Department of Building Inspection for informational purposes.

01/06/16; RESPONSE RECEIVED. Not defined as a project under CEQA Guidelines Sections 15378 and 15060(c)(2) because it does not result in a physical change in the environment.

01/29/16; NOTICED. First 10-Day Fee Ad published in the Chronicle for the February 8, 2016, Land Use and Transportation Committee hearing, pursuant to Government Code section 65090(a).

02/05/16; NOTICED. Second 10-Day Fee Ad published in the Chronicle for the February 8, 2016, Land Use and Transportation Committee hearing, pursuant to Government Code section 65090(a).

Heard in Committee. Speakers: Supervisor John Avalos (Board of Supervisors); Jon Givner (Office of the City Attorney); Viktoriya Wise (Municipal Transportation Agency); presented information and answered questions raised throughout the discussion. Peter Straus (San Francisco Transit Riders); Tom Radulovich (Livable City); Calvin Welch; spoke in support of the hearing matter. Dee Dee Workman (San Francisco Chamber of Commerce); spoke in opposition to the hearing matter.

Member Peskin moved that this Ordinance be AMENDED to allow the Transportation Sustainability Fees collected to be used for 'transit service costs' and 'transit operations costs.' Before the vote was taken, Member Peskin withdrew the motion.

Member Peskin moved that this Ordinance be REFERRED WITHOUT RECOMMENDATION. Before the vote was taken, Member Peskin withdrew the motion.

Vice Chair Wiener, seconded by Chair Cohen, moved that this Ordinance be RECOMMENDED "DO NOT PASS". The motion carried by the following vote:

Ayes: 2 - Cohen, Wiener

Noes: 1 - Peskin

Supervisor Jane Kim was noted present at 2:25 p.m.

150494 [Planning, Building Codes - Conditional Use Required to Remove Any Residential Unit in a C-3 District, Including Illegal Units; Permeable Surfaces and Landscaping Requirements Citywide for Building Additions and Residential Mergers]

Sponsor: Avalos

Ordinance amending the Planning Code to require Conditional Use authorization for the removal of any residential unit (whether legal or illegal) and compliance with landscaping and permeable surfaces requirements for building additions and residential mergers, and to exempt from the Conditional Use application requirement illegal units where there is no legal path for legalization and residential units that have received prior Planning approval; amending the Building Code to require that notices of violation mandate legalization of an illegal unit unless infeasible under the Building Code or the Planning Commission approves its removal, and requiring re-issuance of unabated notices of violation to include the new requirement; affirming the Planning Department's determination under the California Environmental Quality Act; and making findings of consistency with the General Plan, Planning Code, Section 302, and the eight priority policies of Planning Code, Section 101.1. (Economic Impact)

05/12/15; ASSIGNED UNDER 30 DAY RULE to Land Use and Transportation Committee, expires on 6/11/2015.

05/22/15; REFERRED TO DEPARTMENT. Referred to Planning Department for environmental review; Planning Commission for hearing and recommendation; Public Works; Rent Board; and Mayor's Office of Housing and Community Development for informational purposes.

06/04/15; RESPONSE RECEIVED. Not defined as a project under CEQA Guidelines Sections 15378 and 15060(c)(2) because it does not result in a physical change in the environment.

12/01/15; SUBSTITUTED AND ASSIGNED to Land Use and Transportation Committee.

12/09/15; REFERRED TO DEPARTMENT. Referred to Planning Department for environmental review; Planning Commission pursuant to Planning Code Section 302(b), for hearing and recommendation; Building Inspection Commission pursuant to Charter, Section D3.750-5, for public hearing and recommendation; and Public Works, Rent Board, and Mayor's Office of Housing and Community Development for informational purposes.

12/15/15; RESPONSE RECEIVED. 12/10/2015 - The Planning Commission held a public hearing and recommended approval with modifications; Resolution No. 19532.

01/25/16; RESPONSE RECEIVED. Not defined as a project under CEQA Guidelines Sections 15378 and 15060(c)(2) because it does not result in a physical change in the environment.

01/26/16; SUBSTITUTED AND ASSIGNED to Land Use and Transportation Committee.

01/28/16; REFERRED TO DEPARTMENT. Re-referred substitute legislation (Version 3) to Planning Department for environmental review; Planning Commission pursuant to Planning Code Section 302(b), for possible hearing and recommendation; Building Inspection Commission pursuant to Charter, Section D3.750-5, for public hearing; and Public Works, Rent Board, and Mayor's Office of Housing and Community Development for informational purposes.

01/28/16; RESPONSE RECEIVED. 1/20/2016 - The Building Inspection Commission held a public hearing and continued the matter for another public hearing on 2/17/2016.

02/01/16; AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE. Heard in Committee. Speakers: Aaron Starr (Planning Department); Supervisor John Avalos (Board of Supervisors); Kimia Haddadan (Planning Department); Debra Walker (Building Inspection Commission); Jon Givner (Office of the City Attorney); Ted Egan, City Economist (Office of the City Controller); presented information and answered questions raised throughout the discussion. Carina and Melissa Bracero (1049 Market St. Tenants); Pat Buscovich; Lindsay Gauthier (Dance Ground Keriac); Ozzie Rohm; Chandra Redack and Ben Cady (1049 Market Tenants); Steve Collier (Tenderloin Housing Clinic); Steven; Tommi Avicolli Mecca (Housing Rights Committee); Chris Baker; Kash and Naomi Cooper (1049 Market St. Tenants); Male Speaker; Travis Collinson (1067 Market St.); spoke in support of the hearing matter. Ryan Patterson (Zacks & Freedman,

P.C.); Noni Richen (Small Property Owners of San Francisco); Charlie Gauss; Sean Keighran (Residential Builders Association); spoke in opposition to the hearing matter. Georgia Schuttish; Janan New (San Francisco Apartment Association); spoke neither in support nor against the hearing matter.

02/01/16; CONTINUED AS AMENDED.

02/01/16; RESPONSE RECEIVED. The Economic Impact Report was submitted.

Heard in Committee. Speakers: Supervisors John Avalos and Jane Kim (Board of Supervisors); William Strawn (Department of Building Inspection); Aaron Starr (Planning Department); Brian Cheu (Mayor's Office of Housing and Community Development); Kimia Haddadan (Planning Department); presented information and answered questions raised throughout the discussion. Matt McFarland (Tenderloin Housing Clinic); Tom Radulovich; Carina, Kash, and Chandra Xian Redadl (1049 Market Street Tenants); Deepa Varma (San Francisco Tenants Union); Naomi Cooper (1049 Market Street); Sarah Sherburn-Zimmer and Tommi Avicolti Mecca (Housing Rights Committee); Vaughan; Lindsay Gauthier (Dance Ground Keriak); Werthcom; George Gracy; spoke in support of the hearing matter. Ryan Patterson (Zacks & Freedman, P.C.); David Gast; Patrick; Sean Keighran (Residential Builders Association); Charlie Gauss; spoke in opposition to the hearing matter.

Member Peskin requested that this Ordinance be DUPLICATED.

See Duplicated File No. 160115.

Member Peskin moved that this Ordinance be AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE, by striking all proposed changes, except for those requiring Conditional Use authorization for the removal of any residential unit in a C-3 (Downtown Commercial) District, and requiring citywide compliance with landscaping and permeable surfaces requirements for building additions and residential mergers. The motion carried by the following vote:

Ayes: 3 - Cohen, Wiener, Peskin

Ordinance amending the Planning Code to require Conditional Use authorization for the removal of any residential unit in a C-3 (Downtown Commercial) District (whether legal or illegal) and to require compliance Citywide with landscaping and permeable surfaces requirements for building additions and residential mergers, and to exempt from the Conditional Use application requirement illegal units in C-3 Districts where there is no legal path for legalization and residential units that have received prior Planning approval; amending the Building Code to require that notices of violation in a C-3 District order the filing of an application to legalize an illegal unit unless infeasible under the Building Code or the Planning Commission approves its removal, and to require re-issuance of unabated notices of violation in a C-3 District to include the new requirement; affirming the Planning Department's determination under the California Environmental Quality Act; and making findings of consistency with the General Plan, Planning Code, Section 302, and the eight priority policies of Planning Code, Section 101.1.
(Economic Impact)

Member Peskin moved that this Ordinance be RECOMMENDED AS AMENDED AS A COMMITTEE REPORT. The motion carried by the following vote:

Ayes: 3 - Cohen, Wiener, Peskin

160115 [Planning, Building Codes - Conditional Use Required to Remove Any Residential Unit; Mandatory Legalization of Illegal Units; Permeable Surfaces and Landscaping Requirements]**Sponsor: Avalos**

Ordinance amending the Planning Code to require Conditional Use authorization for the removal of any residential unit (whether legal or illegal) and compliance with landscaping and permeable surfaces requirements for building additions and residential mergers, and to exempt from the Conditional Use application requirement illegal units where there is no legal path for legalization and residential units that have received prior Planning approval; amending the Building Code to require that notices of violation mandate legalization of an illegal unit unless infeasible under the Building Code or the Planning Commission approves its removal, and requiring re-issuance of unabated notices of violation to include the new requirement; affirming the Planning Department's determination under the California Environmental Quality Act; and making findings of consistency with the General Plan, Planning Code, Section 302, and the eight priority policies of Planning Code, Section 101.1. (Economic Impact)

Duplicated from File No. 150494.

Heard in Committee. Speakers: Supervisors John Avalos and Jane Kim (Board of Supervisors); William Strawn (Department of Building Inspection); Aaron Starr (Planning Department); Brian Cheu (Mayor's Office of Housing and Community Development); Kimia Haddadan (Planning Department); presented information and answered questions raised throughout the discussion. Matt McFarland (Tenderloin Housing Clinic); Tom Radulovich; Carina, Kash, and Chandra Xian Redadl (1049 Market Street Tenants); Deepa Varma (San Francisco Tenants Union); Naomi Cooper (1049 Market Street); Sarah Sherburn-Zimmer and Tommi Avicolti Mecca (Housing Rights Committee); Vaughan; Lindsay Gauthier (Dance Ground Keriak); Werthcom; George Gracy; spoke in support of the hearing matter. Ryan Patterson (Zacks & Freedman, P.C.); David Gast; Patrick; Sean Keighran (Residential Builders Association); Charlie Gauss; spoke in opposition to the hearing matter.

Member Peskin moved that this Ordinance be AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE, by striking proposed language requiring Conditional Use authorization for the removal of any residential unit in a C-3 (Downtown Commercial) District, and requiring citywide compliance with landscaping and permeable surfaces requirements for building additions and residential mergers. The motion carried by the following vote:

Ayes: 3 - Cohen, Wiener, Peskin
(Economic Impact)

Member Peskin moved that this Ordinance be CONTINUED AS AMENDED to the Land Use and Transportation Committee meeting of February 22, 2016. Before the vote was taken, and in order to allow additional amendments to be considered, Member Peskin withdrew the motion.

Vice Chair Wiener moved that this Ordinance be AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE, by adding language to clarify the Conditional Use requirements shall not apply to single-family homes. The motion carried by the following vote:

Ayes: 3 - Cohen, Wiener, Peskin

Ordinance amending the Planning Code to require Conditional Use authorization for the removal of any residential unit (whether legal or illegal) and compliance with landscaping and permeable surfaces requirements for building additions and residential mergers, and to exempt from the Conditional Use application requirement illegal units where is no legal path for legalization, residential units that have received prior Planning approval, and single family structures that are demonstrably unaffordable or unsound; amending the Building Code to require that notices of violation mandate legalization of an illegal unit unless infeasible under the Building Code or the Planning Commission approves its removal, and requiring re-issuance of unabated notices of violation to include the new requirement; affirming the Planning Department's determination under the California Environmental Quality Act; and making findings of consistency with the General Plan, Planning Code, Section 302, and the eight priority policies of Planning Code, Section 101.1.
(Economic Impact)

Member Peskin moved that this Ordinance be CONTINUED AS AMENDED to the Land Use and Transportation Committee meeting of February 22, 2016. The motion carried by the following vote:

Ayes: 3 - Cohen, Wiener, Peskin

Supervisor John Avalos was noted not present at 3:24 p.m.

151013 [Urging the Board and Director of the Treasure Island Development Authority to Develop Recommendations to Establish 40% Affordable Housing on Treasure Island]

Sponsor: Kim

Resolution urging the Board and Director of the Treasure Island Development Authority to develop a series of recommendations on how the City can utilize the formation of a Community Revitalization and Investment Authority, newly authorized by California State Assembly Bill 2, to increase the affordability of housing on Treasure Island to 40%.

10/06/15; RECEIVED AND ASSIGNED to Land Use and Transportation Committee.

10/13/15; REFERRED TO DEPARTMENT. Referred to the Treasure Island Development Authority, Mayor's Office of Housing and Community Development, and Office of Community Investment and Infrastructure for informational purposes.

01/25/16; CONTINUED. Heard in Committee. Speakers: None.

Heard in Committee. Speakers: None.

Chair Cohen moved that this Resolution be CONTINUED to the Land Use and Transportation Committee meeting of February 29, 2016. The motion carried by the following vote:

Ayes: 3 - Cohen, Wiener, Peskin

Supervisor Kim was noted not present at 3:26 p.m.

160084 [Hearing - Interagency Plan Implementation Committee Annual Progress Report and the Development Impact Fee Report]**Sponsor: Cohen**

Hearing on the Interagency Plan Implementation Committee Annual Progress Report and the Development Impact Fee Report, pursuant to Planning Code, Section 409, and Administrative Code, Article 36; and requesting the Planning Department to report.

01/26/16; RECEIVED AND ASSIGNED to Land Use and Transportation Committee.

02/01/16; REFERRED TO DEPARTMENT. Referred to the Planning Department since the sponsor requested they report for the hearing.

02/04/16; RESPONSE RECEIVED.

Heard in Committee. Speaker: Mat Snyder (Planning Department); presented information and answered questions raised throughout the discussion.

Chair Cohen moved that this Hearing be FILED. The motion carried by the following vote:

Ayes: 3 - Cohen, Wiener, Peskin

ADJOURNMENT

There being no further business, the Land Use and Transportation Committee adjourned at the hour of 3:46 p.m.

N.B. The Minutes of this meeting set forth all actions taken by the Land Use and Transportation Committee on the matters stated, but not necessarily in the chronological sequence in which the matters were taken up.